



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 11, 1998

Mr. Robert J. Gervais
Assistant City Attorney
City of Galveston
Legal Department
P.O. Box 779
Galveston, Texas 77553-0779

OR98-0679

Dear Mr. Gervais:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113356.

The City of Galveston (the "city") received a request to view lawsuits filed against the city during the past four years that were settled and paid for with insurance company funds and not city funds. You claim that the requested information is excepted from disclosure under sections 552.101, 552.107, and 552.111 of the Government Code.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit to this office copies or representative samples of the specific information that was requested.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile, dated December 16, 1997, that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that, under section 552.303(e), failure to comply would result in the legal presumption that the information at issue was presumed public.

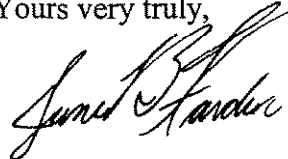
You responded by claiming that the city does not maintain settlement information in the form requested. Chapter 552 of the Government Code does not require a governmental

body to prepare information in a form requested by a member of the public. Open Records Decision No. 467 (1987). However, a governmental body has a duty to make a good faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990) at 8. If the city holds information from which the requested information can be obtained, the information is now presumed public and must be released.

You state that an insurance company has provided you with a report that contains confidential settlement information involving certain lawsuits. Since you have not submitted this information for our review, we are unable to determine whether any of the requested information is confidential by law. However, we note that the distribution of confidential information may constitute a criminal offense. *See* Gov't Code § 552.352.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ glg

Ref.: ID# 113356

Enclosures: Submitted documents

cc: Mr. Blu Shields
P.O. Box 2550
Galveston, Texas 77553-2550
(w/o enclosures)